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Attorneys for Plaintiff, JOSUE SOTO, Individually, On Behalf of All Others Similarly Situated,  
 and on Behalf of the General Public

**IN THE UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

JOSUE SOTO, Individually, On Behalf of All	)	CIVIL NO. 08cv0033 L (AJB)
Others Similarly Situated, and on Behalf of the	)	
General Public,	)	
	)	<b><u>CLASS ACTION</u></b>
Plaintiff,	)	
	)	<b>DECLARATION OF DAVID A. HUCH</b>
v.	)	<b>IN SUPPORT OF PLAINTIFF'S</b>
	)	<b><u>EX PARTE</u> APPLICATION TO ALLOW</b>
DIAKON LOGISTICS (DELAWARE), INC., a	)	<b>FILING OF PLAINTIFF'S FIRST</b>
foreign corp.; and DOES 1 through 50,	)	<b>AMENDED COMPLAINT WITHOUT</b>
inclusive,	)	<b>LEAVE OF COURT</b>
	)	
Defendants.	)	
	)	
	)	
	)	

1 I, David A. Huch, declare as follows:

2 1. I am an attorney at law duly admitted to practice before this Court and the attorney  
3 of record herein for Plaintiff JOSUE SOTO in United States District Court, Southern District of  
4 California Civil Case No. 08CV0033 L (AJB). The following facts are known to me of my own  
5 personal knowledge and circumstances in the above entitled matter as they relate to this  
6 declaration, and if called upon, I could and would testify competently thereto.

7 2. Plaintiff JOSUE SOTO originally filed this action in the San Diego Superior Court,  
8 under Case No. 37-2007-00083029-CU-OE-CTL, on December 5, 2007. On January 4, 2008,  
9 Defendant DIAKON LOGISTICS (DELAWARE), INC. ("Defendant") removed this action to the  
10 U.S. District Court for the Southern District of California.

11 3. On December 21, 2007, two other individuals alleging that they were employees of  
12 Defendant filed a separate action entitled *Rashid et al. v. Diakon Logistics, Inc.*, in the San  
13 Francisco Superior Court, under Case No. CGC-07-470303. On January 25, 2008, Defendant  
14 removed the *Rashid et al. v. Diakon* case to the U.S. District Court for the Northern District of  
15 California, where it was assigned Case No. 3:2008cv00621.

16 4. The parties to both cases have met and conferred and have agreed that it is in all the  
17 parties' best interests to litigate the cases together in this action.

18 5. On April 17, 2008, a stipulation was entered into between Plaintiff, Josue Soto;  
19 Plaintiffs, Ghazi Rashid and Mohamed Abdelfattah; and Defendant, DIAKON LOGISTICS  
20 (DELAWARE) INC. by and through their undersigned counsel. A copy of the parties'  
21 aforementioned stipulation is attached hereto as **Exhibit "A."**

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct as executed on this 18<sup>th</sup> day of April 2008.

24 s/ David A. Huch  
25 DAVID A. HUCH  
26  
27  
28

**EXHIBIT “A”**

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**IN THE UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

JOSUE SOTO, Individually, On Behalf of All	)	CIVIL NO. 08cv0033 L (AJB)
Others Similarly Situated, and on Behalf of the	)	
General Public,	)	
	)	<b><u>CLASS ACTION</u></b>
Plaintiff,	)	
	)	<b>STIPULATION FOR RELIEF FOR</b>
v.	)	<b>PLAINTIFF TO FILE FIRST AMENDED</b>
	)	<b>COMPLAINT</b>
DIAKON LOGISTICS (DELAWARE), INC., a	)	
foreign corp.; and DOES 1 through 50,	)	
inclusive,	)	
	)	
Defendants.	)	
	)	

1 This stipulation is entered into between Plaintiff, JOSUE SOTO: Plaintiffs, Ghazi Rashid  
2 and Mohamed Abdelfattah; and Defendant, DIAKON LOGISTICS (DELAWARE) INC. by and  
3 through their undersigned counsel.

4 1. Plaintiff, JOSUE SOTO, originally filed this action in the San Diego Superior  
5 Court, under Case No. 37-2007-00083029-CU-OE-CTL, on December 5, 2007. On January 4,  
6 2008, Defendant removed this action to the U.S. District Court for the Southern District of  
7 California.

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10 Francisco Superior Court, under Case No. CGC-07-470303. On January 25, 2008, Defendant  
11 removed the *Rashid et al. v. Diakon* case to the U.S. District Court for the Northern District of  
12 California, where it was assigned Case No. 3:2008cv00621.

13 3. The parties to both cases have met and conferred and have agreed that it is in all the  
14 parties' best interests to litigate the cases together in this action.

15 Accordingly, it is hereby stipulated by and between the parties hereto, through their  
16 respective counsel, as follows:

17 A. Without objection by Defendant, Plaintiff, JOSUE SOTO, will file a first amended  
18 complaint in this action, adding, as additional party plaintiffs, Ghazi Rashid and Mohamed  
19 Abdelfattah.

20 B. All claims, rights, actions and causes of action asserted by all Plaintiffs, including  
21 Ghazi Rashid and Mohamed Abdelfattah, in the first amended complaint shall relate back to the  
22 original filing date in this action of December 5, 2007.

23 C. Upon the filing of the first amended complaint, Plaintiffs, Ghazi Rashid and  
24 Mohamed Abdelfattah, shall dismiss, without prejudice, their Class Action Complaint, which is  
25 pending in the Northern District of California, in exchange for a waiver of costs from Defendant.

1  
2 **IT IS SO STIPULATED.**

3 DATED: April 17, 2008

LAW OFFICES OF DAVID A. HUCH

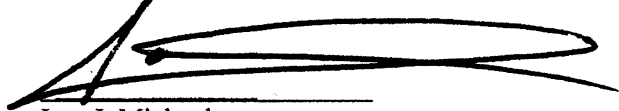
4  
5 

6 David A. Huch

7 Attorneys for Plaintiff, JOSUE SOTO, Individually,  
8 on behalf of all others similarly situated, and on  
9 behalf of the General Public

10 DATED: April 17, 2008

11 THE MICHAEL LAW FIRM

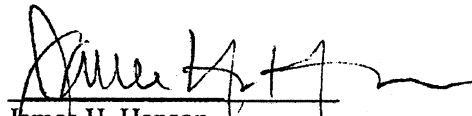
12 

13 Issa J. Michael

14 Attorneys for Plaintiffs, Ghazi Rashid and Mohamed  
15 Abdelfattah, Individually, on behalf of all others  
16 similarly situated, and on behalf of the General Public

17 DATED: April 17, 2008

18 SCOPELITIS, GARVIN, LIGHT, HANSON &  
19 FEARY

20 

21 James H. Hanson

22 Attorneys for Defendant, DIAKON LOGISTICS  
23 (DELAWARE) INC.